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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/990,096

12/12/1997

HEIDI PICHER-DEMPSEY

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9688

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7590

08/15/2006

FAEGRE & BENSON LLP  
PATENT DOCKETING  
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MINNEAPOLIS, MN 55402

EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b> 08/990,096	<b>Applicant(s)</b> PICHER-DEMPSEY, HEIDI	
	<b>Examiner</b> Hanh Nguyen	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed on 5/13/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In view of the Appeal Brief filed on 5/13/02, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner, after reviewing the record, finds that claims 1, 6, 11, 17, 18, 19 and 24 were amended the Preliminary Amendment filed in 11/21/00 to include “ the server system having a location that is independent of the communication path”. However, the claimed “ the server system having a location that is independent of the communication path” is not disclosed in the specification during prosecution. In addition, the original claims 1, 6, 11, 17, 18, 19 and 24 filed in 12/12/97 do not include “the server system having a location that is independent of the communication path”. Therefore, claims 1, 6, 11, 17, 18, 19 and 24 are rejected under the 35 U.S.C.103 (a) as being unpatentable over Crawley et al. ( US pat. 5,995,503) in view of Nessett et al. (US pat. 5,968,176) as addressed in the previous Final rejection of made in 5/3/01

Claims 2-5, 7-10, 12-16 and 20-23 are also rejected because they depend on claims 1, 6, 11 and 19 respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 USC 103(a) as being unpatentable over Crawley et al. (US Pat. No. 5,995,503) in view of Nessett et al. (US Pat. No. 5,968, 176).

Regarding claims 1, 6, 17- 20 and 24 Crawley et al. discloses, in Fig. 1, a network

configuration with multiple hosts and multiple routers connected as shown. Refer to Fig.8, host H1 (Fig. 1) establishes a communication path by requesting a QOS for a data flow to host 114 (Fig. 1) at step 170 (receiving a request for establishing a communication path ). See col.7, lines 28-33. The request is routed through different routers before getting to the destination host at step 174. The destination host, after receiving the QOS requirement, sends a QOS request at step 175 to the original host to reserve the bandwidth for transmitting information (sending to original router a message which includes a request to reserve resources/bandwidth for transmitting information). See col.7, lines 32-44. The bandwidth reservation request is routed to original host via routers, and each of the routers determines at steps 178 and 184 whether the resource / bandwidth is available for the QOS request. If the original router is determined by routing table 130 and data base 132 (Fig.2) that its resource/bandwidth is available, the original host reserves the request resources/bandwidth (monitoring the original router to determine whether sufficient resources/bandwidth exist to establish communication path ). See col.7, lines 45-67 and col.4, lines 24-30. Crawley et al. does not disclose a server that having a location that is independent of the path. Nessett et al. discloses, in Fig.2, a WAN 100 that is connected between private networks LAN 101, LAN 102 and PSTN 105. An access server 121 of the LAN 101 connects between routers 107, 109 and routers 112 via PSTN 105. It is clearly that the access server 121 is located separated from each of the routers (a server that having a location that is independent of the path). See Fig.2 & col. 10, lines 25-58. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use the access server 121 as disclosed by Nessett et al. into the QOS network as disclosed by Crawley et al. to authorize users accessing

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network. The motivation is to provide network security, ensure bandwidth sufficient between routers and reduce network delay.

Regarding claim 11, this claim is substantially directed to the same subject matter in claim 1. In addition, Crawley et al. discloses, in Fig. 1, that a router 100 is connected to a host H1 via an interface 120 (an originating router coupled to a host in a first LAN). See col.3, lines 60-67.

Regarding claim 16, Crawley et al. does not disclose a database server for checking whether the set up request is authorized. Nessett et al. discloses, in Fig.2, nodes with security policy enforcement agents are coded by the horizontal bars. Thus, modem 110, routers 112, 107, 109, servers 115, 106, 104 all include agents for enforcing security policy ( a database server for checking whether the set up request is authorized). See col. 11, lines 9-15. Therefore, it would have been obvious to one having ordinary skill in the art use the servers of Nessett et al. in the QOS network of Crawley et al. in order to protect the security of work stations from unauthorized users.

Regarding claims 2, 7 and 12, the limitations of these claims are addressed in claim 1 above.

Regarding claims 3, 8, 13 and 21, Crawley et al. discloses, in Fig.9, a flag ( or a parameter) in the mechanism requesting the QOS routing for each router (parameters for transmitting information along the communication path in accordance with the QOS ). See col.8, lines 52-56.

Regarding claims 5, 10, 15 and 23, the limitation of these claims are addressed in claim 1 above.

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Regarding claims 4, 9, 14 and 22, Crawley et al. does not disclose message presented to the original router as a Telnet message. However, it is well known in the art that the Telnet is used as a protocol that enables an Internet user to log on and enter commands on a remote computer links to the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Telnet protocol in Crawley et al. is reference to send a message that includes a request for the original router to reserve resources /bandwidth necessary to transmit from the original host in accordance with the QOS request.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Picher-Dempsey (US pat. 6,779,031 B1);

Vaid et al. ( US pat. 6,502,131 B1);

Vaid et al. ( Us pat. 6,047,322).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

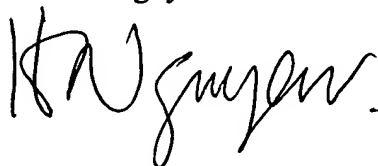
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

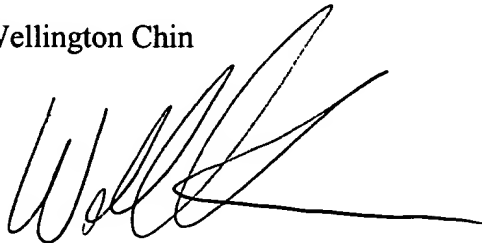
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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen'.

Wellington Chin

A handwritten signature in black ink, appearing to read 'Wellington Chin'.